THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.10170 of 1998

Dated:15.06.2007

Between
Ch.Srinivas and others.

.....Petitioner

and

1. The District Collector, DRDA
Karimnagar and others.

...Respondents

THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.10170 of 1998

ORDER:

This writ petition is filed seeking a Mandamus to declare the action of the 4th respondent in issuing impugned G.O.Ms.No.228 dated 16.5.1996 regularizing the services of the petitioners with prospective effect by not following uniform yardstick as applied by their counterparts in Nizamabad & Warangal Districts, in granting time scale to the petitioners on the eve of completion of 5 years, as illegal, arbitrary and contrary to the principles of natural justice and consequently to direct the respondents to put the petitioners on time scale immediately after completion of five years of service and to pay the consequential monetary benefits.

It appears that all the petitioners have been working as Junior Assistants in the 1st respondent organization. When their services were not regularized, they had approached this Court and filed writ petition No.10046 of 1991 and the same was disposed of on 28.10.1995 directing the respondents to consider the cases of the petitioners for regularization as per the directions issued by this Court in an earlier Writ Petition being
WP No.10022 of 1991 dated 28.4.1994 and also as per the provisions of G.O.Ms.No.212 dated 22.4.1994. In pursuance of the above directions, the services of the petitioners were considered and regularized after obtaining sanction from the Government with effect from 20.5.1995 in the cadre of Junior Assistant/Typist/Driver.

Now, it is the grievance of the petitioners that they are entitled for regular time scale immediately on completion of five years of service and the same was followed by the

other District administrations of the respondent-department.

A detailed counter affidavit has been filed by the respondents denying the allegations made by the petitioners. It is asserted that Government of Andhra Pradesh, Panchayat Raj & Rural Development & Relief (R.D.II) Department, vide G.O.Ms.No.228 dated 16.5.1996 issued orders to regularize services of some persons and accordingly regularization orders were issued to Ch.Srinivas, P.Narsimha Swamy,
G. Mohan with effect from 20.5.1996, whereas in case of Ch.Rajeshwar Rao and E.Balaiah they were absorbed as Junior Assistants with effect from 22.5.1996. As per G.O.Ms.No.212 dated 22.4.1994 unless and until clearance is given by the Government and posts are sanctioned, the question of regularizing or putting the petitioners on time scale does not arise. Basing on the conditions stipulated in G.O.Ms.No.212 dated 22.4.1994 and

clearance from the Government in Finance and Planning Department, the services of the petitioners were regularized. Therefore, the petitioners are not entitled for further relief.

Heard the learned counsel on either side.

From the above, it is clear that as per the conditions in G.O.Ms.No.212 dated 22.4.1994 regularization of daily wage employees cannot be effected with retrospective effect or from the date of their joining in the Department on daily wages. Regularizations are only to be made against the clear vacancies available but not with retrospective effect. In this case, the respondents have obtained clearance in 1996 and regularized the services of the petitioners and put them on regular scale. In G.O.Ms.No.212, there is no provision for putting the persons, who have put in five years and more, on regular time scale an completion of five years of service. The respondents have not committed any error in regularizing the services of the petitioners with

prospective effect. Writ petition is devoid of merits and is liable to be dismissed.

Writ petition is dismissed accordingly. No costs.

_____

15-06-2007

rkk